

REMARKS

Claims 1-7 and 9 are currently pending in the application, as amended. Claim 8 has been canceled without prejudice to pursue claim 8 in a continuation application or other related applications. The specification has been amended to correct a typographical error on line 3 of the abstract submitted with a preliminary amendment. Accordingly, because the Amendment merely places the claims in allowable form and corrects a typographical error in the abstract, no new matter has been added.

SPECIFICATION

The Examiner has objected to the specification because in line 3 of the Abstract of the Disclosure the phrase, "break pedal shaft" should be the phrase, "brake pedal shaft." Applicant has provided herewith a replacement abstract paragraph wherein underlining indicates additions and bracketing indicates deletions in comparison to the original abstract as required by the Manual of Patent Examining Procedure § 1453. Specifically, Applicant has amended the phrase, "break pedal shaft" in line 3 of the abstract submitted with a preliminary amendment to read, "brake pedal shaft" as suggested by the Examiner. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the objection to the specification in view of the above-described Amendment.

CLAIMS

Claim Rejections - 35 U.S.C. § 251

The Examiner has rejected claim 8 as being an improper recapture of claimed subject matter deliberately canceled in the application for the patent upon which the present reissue application is based.

Although Applicant does not agree with the Examiner that claim 8 is an attempt to improperly recapture claimed subject matter, claim 8 has been canceled to expedite prosecution and allowance of the present application.

Claim Rejections - 35 U.S.C. § 102

The Examiner has rejected claim 8 under 35 U.S.C. § 102 as being anticipated by U.S. Patent Nos. 2,330,536 (Zimmermann) or 5,979,197 (Mellini *et al.*). The Examiner contends that Zimmerman and Mellini *et al.* disclose each and every element of claim 8.

Although Applicant does not agree with the Examiner that Zimmerman or Mellini *et al.* anticipates claim 8, claim 8 has been canceled to expedite prosecution and allowance of the present application.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 1-7 and 9 are allowable.

CONCLUSION

In view of the foregoing Amendment and Remarks, Applicant respectfully submits that the present application, including claims 1-7 and 9, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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